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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,731	09/15/2003	Edward T. Tanner	21323.000331	1688
7590	02/01/2006			
J. Michael Martinez de Andino, Esq. HUNTON & WILLIAMS Riverfront Plaza, East Tower 951 East Byrd Street Richmond, VA 23219-4074				EXAMINER RODRIGUEZ, PAMELA
				ART UNIT 3683
				PAPER NUMBER DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/662,731	TANNER, EDWARD T.
	Examiner Pam Rodriguez	Art Unit 3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 16 November 2005.
2a) This action is **FINAL**. 2b) This action is non-final.
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 21-30,34 and 35 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 21-24,26-30,34 and 35 is/are rejected.

7) Claim(s) 25 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

1. The Amendment filed November 16, 2005 has been received and considered.

In light of the new grounds of rejection present in this office action, a second non-final office action has been issued below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-24, 29, 30, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent no. 5,652,704 to Catanzarite in view of U.S. Patent no. 3,559,027 to Arsem.

Regarding Claims 21 and 29, Catanzarite discloses a shock and vibration isolation system for mounting equipment to a base wall (see Figure 1), the system comprising: a load plate 11 configured for attachment of the equipment thereto; a base plate 13 configured for attachment to the base wall; the base plate 13 being substantially parallel to the load plate 11 (see Figure 1), a spring arrangement 17 disposed intermediate the load plate and the base plate, the spring arrangement 17 engaging the load plate and the base plate to bias the load plate and the base plate in a

separated relationship (see Figure 1); a magnetorheological/semi-active damper 22 disposed intermediate the load plate and the base plate, the semi-active damper 22 being adapted for providing a selectively variable reaction force to the load plate and the base plate responsive to a relative displacement of the load plate with respect to the base plate; and a damper controller 42 operatively connected to the semi-active damper 22 for controlling the reaction force applied to the load plate and the base plate, the damper controller 42 including a rechargeable power supply 21.

However, Catanzarite does not disclose a recharging arrangement in electrical communication with the rechargeable power supply, the recharging arrangement comprising a piezoelectric generator and being mounted to one of the base plate and the load plate and being adapted for converting vibratory motion to electrical energy for storage in the rechargeable power supply.

Arsem is relied upon merely for his teachings of an isolation system having a damper controller and recharging arrangement 4 which can include a piezoelectric generator (see column 1 line 55 –column 2 line 1) in communication with a rechargeable power supply 3 and which is mounted to either a base plate or a load plate through the shock absorber itself.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the recharging arrangement of Catanzarite to include a piezoelectric generator as taught by Arsem as an alternate equivalent means of recharging the power supply. As long as the recharging arrangement is capable of

converting vibratory motion to electrical energy for storage in the rechargeable power supply, the means used to do so is arbitrary.

Regarding Claim 22, see step S1 discussed in the Catanzarite reference wherein the rate (i.e., velocity of the damping system) is used to calculate the force output. See also steps S11 and S12 of Catanzarite where displacement is used to determine a force factor.

Regarding Claim 23, Catanzarite further discloses a current driver 35 operatively connected to the semi-active damper 22 and the power supply for selectively supplying current to energize the semi-active damper 22; a damper force control module in communication with the optimum force determination module and the current driver 35, the damper force control module being adapted for controlling the supply of current to the semi-active damper according to a predetermined control algorithm (see column 2 lines 53 et al and Figure 3 of the reference).

Regarding Claim 24, Catanzarite, as modified, does not disclose the specifics of the control algorithm claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the control algorithm of Catanzarite, as modified, to be selected from the group consisting of clipped optimal control, velocity feedback control and acceleration bang-bang control dependent upon the operating environment of the isolation system. As long as the damper force control module is adapted to control the supply of current to the semi-active damper, the algorithm used to perform this function is arbitrary.

Regarding Claim 30, see column 2 lines 36-40 of Catanzarite.

Regarding Claims 34 and 35, Catanzarite, as modified, discloses most all the features of the instant invention as applied above, including the rechargeable power supply including a battery 3 (see Arsem) which is connected to the recharging arrangement through a rectifier bridge circuit 2 (see Figures 1 and 2 of Arsem). Arsem also goes on to disclose that the necessary resistance can be introduced into the circuit to vary the load applied to the shock absorber (see column 3 lines 3-5 of Arsem).

However, Catanzarite, as modified, does not disclose the specifics of a capacitor or a plurality of ultracapacitors connected to the recharging arrangement through the rectifier bridge circuit.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have introduced a single capacitor or a plurality of ultracapacitors into the recharging arrangement of Catanzarite, as modified, in order to (as Arsem suggests in the column 3 passage cited above) vary the load applied to the shock absorber to provide the best overall damping to the system.

4. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent no. 5,652,704 to Catanzarite in view of U.S. Patent No. 3,559,027 to Arsem as applied to claims 21-24, 29, and 30 above, and further in view of U.S. Patent No. 4,080,636 to Ravizza.

Regarding Claim 26, Catanzarite, as modified, disclose most all the features of the instant invention as applied above, except for the specifics of the piezoelectric generator being formed as a laminate of crystals, having an upper and lower surface.

Ravizza is relied upon merely for his teachings of a piezoelectric generator 68 (see Figure 2a) formed as a laminate of crystals having an upper surface 72/50 and a lower surface 48 (see column 6 lines 21-34) used in a damping isolation system.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the piezoelectric generator of Catanzarite, as modified, to be formed as a laminate of crystals having top and bottom surfaces as suggested by Ravizza in order to allow this type of recharging arrangement to be firmly and more securely attached to the equipment on which it is to be mounted. Again, as long as the piezoelectric generator is firmly secured to its respective equipment, the form of the generator is arbitrary.

Regarding Claims 27 and 28, Catanzarite, as modified, disclose most all the features of the instant invention as applied above, except for the specifics of the location of the piezoelectric generator with respect to the load plate, base wall, and base plate.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the piezoelectric generator of Catanzarite, as modified, to be located with respect to the load plate, base wall, and base plate as claimed, as a matter of design preference, dependent upon the design constraints of the equipment utilizing the isolation system, the size and dimensions of the generator itself, etc. As long as the generator is mounted in such a way to provide its recharging function, its location can be anywhere throughout the system.

Allowable Subject Matter

5. Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims (as consistent with the examiner of the parent application's indication of such allowable subject matter in his office action issued November 5, 2003).

Response to Arguments

6. Applicant's arguments with respect to claims 21-24, 26-30, and 34-35 with respect to the previous rejection using the Murty et al reference have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's arguments filed November 16, 2005 with respect to the Catanzarite reference have been fully considered but they are not persuasive.

While applicant has not yet had a chance to argue the rejection of the Catanzarite and Arsem 103 rejection presented above, the examiner wishes to clarify a few points, in light of the nature of applicant's comments with respect to the Murty patent. In particular, applicant appears to be arguing the overall combinability of the references (Catanzarite and Arsem included) and that their shock absorber damper systems are all incompatible with one another. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800

F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). More specifically, applicant appears to be construing that the examiner is substituting one shock absorber for another in her obviousness rejections of the claims. That is simply not the case. The examiner is relying upon the Catanzarite patent to disclose the claimed damper features and the Arsem patent to disclose merely a known type of piezoelectric generator that is capable of use in the shock absorber of Catanzarite. In other words, the examiner is not suggesting swapping one shock absorber for another but merely incorporating the piezoelectric generator structure of Arsem into the recharging arrangement of Catanzarite. The two shock absorbers of the references are similar in structure and the examiner contends that adding a piezoelectric generator to the shock of Catanzarite would not be beyond the realm of one of ordinary skill in the art to employ.

Along these same lines, with respect to the rejection of Claims 26-28 and the use of the Ravizza reference, again, the examiner is not relying upon this reference to teach a semi-active damping system, but merely to disclose the type of piezoelectric generator claimed. Since Catanzarite already discloses the claimed damper structure and Arsem discloses the claimed piezoelectric generator, Ravizza is merely cited to disclose the specifics of the crystal laminate structure.

It is for these reasons that the above presented rejections have been made.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pam Rodriguez whose telephone number is 571-272-7122. The examiner can normally be reached on Mondays 5:30 AM -4 PM and Tuesdays 5 AM -11 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim McClellan can be reached on 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pam Rodriguez
Primary Examiner
Art Unit 3683

1/30/06

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